

THE STATE OF TEXAS

*

COUNTY OF WILLIAMSON

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DOC# 9460219

CITY OF ROUND ROCK

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I, JOANNE LAND, Assistant City Manager/City Secretary of the City of Round Rock, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed and adopted by the City Council of the City of Round Rock, Texas, at a meeting held on the 22nd day of November, 19 94 which is recorded in the minutes of the City of Round Rock in Book 32.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 19th day of December, 19 94.

Joanne Land
JOANNE LAND,

Assistant City Manager/
City Secretary



ORDINANCE NO. Z-94-11-22-9B

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), CODE OF ORDINANCES (1990 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 11.761 ACRES OF LAND OUT OF THE J.M. HARRELL LEAGUE, ABSTRACT 284, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT SF-2 (SINGLE FAMILY-STANDARD LOT) TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT NO. 18.

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A", attached hereto and incorporated herein, from District SF-2 (Single Family-Standard Lot) to District Planned Unit Development (PUD) No. 18, and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 9th day of November, 1994, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed to District PUD No. 18, and

WHEREAS, on the 22nd day of November, 1994, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council has determined that substantial changes in conditions have occurred which justify the zoning classification change provided for herein, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Section 11.300, Code of Ordinances (1990 Edition), City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, THAT:

I.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 18 meets the following goals and objectives:

- (1) The development in PUD No. 18 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 18 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 18 does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.
- (4) P.U.D. No. 18 will be adequately provisioned by essential public facilities and services including streets,

parking, drainage, water, wastewater facilities, and other necessary utilities.

- (5) P.U.D. No. 18 will be constructed, arranged and maintained so as not to dominate, by scale and massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

II.

That the Official Zoning Map adopted in Section 11.305(2), Code of Ordinances (1990 Edition), City of Round Rock, Texas, is hereby amended so that the zoning classification of the property described in Exhibit "A" be changed to District Planned Unit Development (PUD) No. 18, and that the Mayor is hereby authorized and directed to enter into the Agreement regarding the Development Plan for PUD No. 18, attached hereto and incorporated herein as Exhibit "B", which agreement shall govern the development and use of said property.

III.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

Alternative 1.

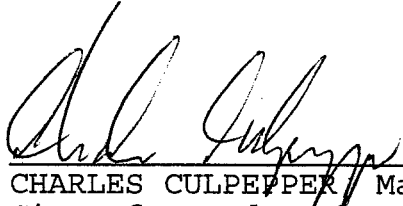
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 22nd day of November, 1994.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 1994.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 1994.



CHARLES CULPEPPER, Mayor
City of Round Rock, Texas

ATTEST:



JOANNE LAND, City Secretary

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

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AGREEMENT AND
DEVELOPMENT PLAN
FOR PUD NO. 18

THIS AGREEMENT and Development Plan is made and entered by and between the City of Round Rock, Texas, a Texas municipal corporation, having its offices at 221 East Main Street, Round Rock, Texas 78664 (hereinafter referred to as the "City"), and The Old Settlers Association Of Williamson County, Texas, their respective successors and assigns, its address being P.O. Box 395, Round Rock, Texas 78680 (hereinafter referred to as the "Owner").

WHEREAS, the Owner has submitted a request to the City to re-zone 11.761 acres of land as a Planned Unit Development ("PUD"), said acreage being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property"), and

WHEREAS, on November 9, 1994, the Planning and Zoning Commission recommended approval of the Owner's application for a PUD, and

WHEREAS, pursuant to Chapter 11, Section 11.316(8), Code of Ordinances (1990 Edition), City of Round Rock, Texas, the Owner has submitted a Development Plan, attached hereto and incorporated herein as a part of this Agreement, said Development Plan stating in detail all development conditions and requirements within the PUD,

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

I.

GENERAL PROVISIONS

1. CONFORMITY TO DEVELOPMENT PLAN

That all uses and development within the Property shall conform to the Development Plan included in Section II herein.

2. CHANGES AND MODIFICATIONS

That no changes or modifications will be made to this Agreement unless all provisions pertaining to changes or modifications as stated in Section II.16 below are followed.

3. ZONING VIOLATION

That the Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the Development Plan shall be subject to any and all penalties for the violation of any zoning ordinance as stated in Section 1.601, Code of Ordinances, (1990 Edition), City of Round Rock, Texas, as amended.

4. LIENHOLDER CONSENT

That the lienholder of record has consented to this Agreement and Development Plan, including any and all dedications to the public. A lienholder consent is attached hereto and incorporated herein as Exhibit "B".

5. MISCELLANEOUS PROVISIONS

5.1 Assignment.

Neither party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld.

5.2 Necessary Documents and Actions.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

5.3 Severability.

In case any one or more provisions contained herein are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and in such event, this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.4 Entire Agreement.

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

5.5 Applicable Law.

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

5.6 Venue.

All obligations of the parties created hereunder are performable in Williamson County, Texas and venue for any action arising hereunder shall be in Williamson County.

5.7 No Third Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto, any rights, benefits, or remedies under or by reason of this Agreement.

5.8 Duplicate Originals.

This Agreement may be executed in duplicate originals each of equal dignity.

5.9 Notices.

Until changed by written notice thereof any notice required under this Agreement may be given to the respective parties by certified mail, postage prepaid or by hand-delivery to the address of the other party shown below:

OWNER

ROUND ROCK

The Old Settlers Association
of Williamson County
P.O. Box 395
Round Rock, Texas 78680

City of Round Rock, Texas
221 East Main Street
Round Rock, Texas 78664
Attn: Director of Planning

5.10 Effective Date.

This Agreement shall be effective from and after the date of due execution hereof by all parties.

II.

DEVELOPMENT PLAN

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances (1990 Edition), City of Round Rock, Texas, hereinafter referred to as "the Code".

2. PROPERTY

This Development Plan ("Plan") covers 11.761 acres of land, located within the city limits of Round Rock, Texas, and more particularly described by metes and bounds in Exhibit "A", attached hereto.

3. PURPOSE

The purpose of this Plan is to insure a Planned Unit Development ("PUD") that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, 3) does not have an undue adverse affect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as to not dominate, by scale and massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

4. APPLICABILITY OF CITY ORDINANCES

4.1 Zoning and Subdivision Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections in the Code.

4.2 Other Ordinances

All other Ordinances within the Code shall apply to the Property, except where clearly modified by this Plan.

5. PERMITTED USES

5.1 GENERAL USE

The permitted use of the Property shall be as a family entertainment center to be constructed in four phases.

5.2 Phase One

The permitted uses of Phase One include the construction of a 3,600 square foot gameroom, clubhouse and concession building, two 18 hole miniature golf courses, a seven station batting cage, a maintenance shed and parking for 110 vehicles, all of the above being depicted on the preliminary site plan attached hereto and incorporated herein as Exhibit "C". Additionally, the existing baseball field shall remain as a baseball field, and one

of the two miniature golf courses shall be covered to shield players from direct sun and rain.

5.3 Phase Two

The permitted uses of Phase Two include the construction of a 1,500 square foot party room and play area, a 3,000 square foot open pavilion, two volleyball courts, two horseshoe pits, and parking as required in Section Ten below.

5.3 Phase Three

The permitted uses of Phase Three include the construction of a bumper boat ride and the upgrading of the existing Brent-Bustin Memorial baseball field, said upgrading to include renovations to the existing restroom and concession stand, reinstallation of bleachers, re-establishment of bleachers and lighting upgrades. The existing parking area shall be relocated as stated in Section 10.5, below.

5.4 Phase Four

The permitted uses of Phase Four include the construction of an 18 hole theme miniature golf course and parking as required in Section Ten, below.

6. HEIGHT REQUIREMENTS

All structures shall consist of a one-story construction not to exceed thirty (30') feet in height. The only exception shall be the netting for the batting cage and the ballfield lights, which shall not exceed fifty (50') feet in height.

7. LANDSCAPING

The Owner shall apply for an alternative landscape plan pursuant to Section 3.1104(9) of the Code. The Owner shall be responsible for the maintenance of all landscape improvements and irrigation systems.

7.1 Site Landscaping

The alternative landscaping plan shall include the retention of existing trees as shown on Exhibit "C", with the exception of two trees which shall be relocated to the island areas in the parking lot depicted in Exhibit "C". Indigenous plants including trees, hedges and flowering plants shall be added from the northern most edge of the PUD to the southern edge of the parking lot depicted in Exhibit "C". The park area, south of the parking lot as depicted in Exhibit "C", shall not require any additional foliage and shall be designed around the existing oak trees.

7.2 Chisolm Trail Landscaping

The landscaping along Chisolm Trail shall provide a sufficient buffer between Chisolm Trail and the PUD. All existing trees shall remain intact and be maintained by the Owners. Low shrubs shall be added along the base of the fence described in Section 9, below.

8. ENTRANCES

There shall be three entrances into the PUD, the first being the existing entrance to Brent-Bustin Memorial Park, and the second and third entrances to be as depicted in Exhibit "C".

9. FENCING

9.1 Fence Construction Around Miniature Golf Area

A dark brown fence shall be constructed around the perimeter of the entire miniature golf area as depicted in Exhibit "C". Said fence shall consist of two horizontal tubular rails, with each rail being one and one-half inches (1-1/2") in diameter, the lowest rail being one and one-half feet (1-1/2') in height and the highest rail being three feet (3') in height.

9.2 Fence Construction around the Bumper Boat Pool Area

A four foot (4") wrought iron security fence shall be installed around the perimeter of the bumper boat pool area as depicted in Exhibit "C". This fence shall be designed to prevent unauthorized personnel from entering the pool area.

10. PARKING

10.1 Phase One Parking

Phase One shall provide a total of seventy (70) parking spaces, as depicted in Exhibit "C". Unless stated otherwise in this Plan or as directed by the Director of Planning and Community Development, all aspects of parking for all phases shall comply with Section 9.1800 of the Code.

10.2 Phase Two Parking

Phase Two shall provide a total of forty-six (46) parking spaces.

10.3 Phase Three Parking

Phase Three shall provide a total of ten (10) parking spaces.

10.4 Phase Four Parking

Phase Four shall provide a total of eighteen (18) parking spaces.

10.5 Overflow Parking

The existing baseball field at Brent-Bustin Memorial Park has adequate unpaved gravel parking available. Phase Three shall require that this parking facility be relocated to the southwest corner of the PUD, into an area approved by the Director of Planning and Community Development. Number 5 ballast crushed limestone shall be utilized as the surface of this parking area. This relocated parking area shall not exceed the size of the existing parking area. The existing parking area shall be covered with grass after the relocation.

11.0 SIDEWALKS

The Owner shall construct either a hike/bike walkway or a sidewalk from the northern tip of the PUD to the main parking area, as depicted in Exhibit "C". The walkway or sidewalk shall be a minimum of forty-eight inches (48") wide with an all-weather surface and the design and construction shall be approved by the Director of Planning and Community Development prior to the issuance of a certificate of occupancy. The hike/bike walkway or sidewalk may be constructed within either the PUD or the Chisolm Trail right-of-way. If a non-concrete sidewalk is constructed within the Chisolm Trail right-of-way, the Owner shall enter into a license agreement with the City prior to construction, accepting full responsibility for the maintenance of the sidewalk.

12.0 TEMPORARY STRUCTURES

No temporary structures, mobile homes or trailers, abandoned motor vehicles, or any shack, barn or other outbuilding not otherwise shown on Exhibit "C" shall be erected or permitted to remain on the PUD after occupancy of the PUD.

13.0 LIGHTING

All light fixtures shall be oriented facing west to east, or mounted horizontally with the light focused towards the ground.

13.1 Miniature Golf Course Lighting

All putting greens shall be illuminated by eight foot (8') fluorescent fixtures (with two standard 75 watt lamps), mounted horizontally on poles between eleven and twelve feet above the playing surface.

13.2 Batting Cage Lighting

The batting cage area shall be illuminated by 400 watt Metal Halide floodlights, or its equivalent, mounted on poles approximately fifteen feet (15') above ground level. These light fixtures shall face east, and shall be aimed at the ground in the batting cage.

13.3 Bumper Boat Lighting

The bumper boat area as depicted on Exhibit "C" shall be illuminated by 150 watt Metal Halide floodlights, or their equivalent.

13.4 Parking Lot Lighting

The parking lot as depicted in Exhibit "C" shall be illuminated by 400 watt high pressure sodium fixtures mounted horizontally on poles approximately thirty feet (30') above the parking surface.

14.0 ARCHITECTURE

White limestone shall be utilized for all masonry for all structures within the PUD.

15.0 DEDICATION

The Brent-Bustin Memorial Field is the current name of the existing ballfield and this name shall remain unchanged.

CITY OF ROUND ROCK

By: Charles Culpepper
Charles Culpepper, Mayor

Date: 11-22-94

THE OLD SETTLERS ASSOCIATION
OF WILLIAMSON COUNTY, TEXAS

By: John E. Moore
Its: President

Date: 12-16-94

Exhibit A

FIELD NOTES

BEING 11.7592 acres of land out of the J. M. HARRELL LEAGUE, ABSTRACT NO. 284, WILLIAMSON COUNTY, TEXAS, and being all of that certain tract of land described as "Tract 3" in a deed to the Old Settlers Association recorded in Volume 442, Page 449, Deed Records of Williamson County, and part of that certain tract of land described in a deed to the Old Settlers Association recorded in Volume 258, Page 276, Deed Records of Williamson County, and being more particularly described by metes and bounds as follows, to wit:

BEGINNING at an iron rod set at the most northerly corner hereof at the intersection of the east line of Chisholm Trail and the west line of the Georgetown Railroad, said iron rod being the most northerly corner of "Tract 3" described in Volume 442, Page 449, Deed Records of Williamson County, and from which an iron rod found at the southeast corner of Lot 1, The Commons, a subdivision of record filed in Cabinet G, Slide 81, Plat Records of Williamson County, bears N 35° 48' 06" W a distance of 59.61 feet, and the northwest corner of Lot 3, Market at Round Rock, a subdivision of record filed in Cabinet H, Slide 187, Plat Records of Williamson County, bears S 81° 26' 21" E a distance of 112.02 feet;

THENCE with the west line of said Georgetown Railroad, the following described three (3) courses and distances:

- 1) S 18° 26' 36" E a distance of 298.27 feet to an iron rod found;
- 2) An arc distance of 449.95 feet with a curve to the left, said curve having a central angle of 4° 27' 38", a radius of 5779.70 feet, tangents of 225.09 feet, a chord distance of 449.84 feet, and a chord bearing of S 20° 40' 06" E to an iron rod set, and;
- 3) S 22° 53' 56" E a distance of 683.82 feet to the southeast corner hereof in the centerline of Lake Creek, from which an iron rod found bears N 22° 53' 56" W a distance of 176.18 feet;

THENCE with the south line hereof, said south line being along the centerline of Lake Creek and with the north line of Lot 1, Round Rock West Section Three (Revised), a subdivision of record filed in Cabinet C, Slide 173, Plat Records of Williamson County, the following described two (2) courses and distances:

- 1) S 69° 41' 41" W a distance of 440.19 feet, and;
- 2) S 81° 34' 42" W a distance of 200.22 feet to the southwest corner hereof, said southwest corner also being the southeast corner of that certain 2.91 acre tract of land described in a deed to Good Hope Missionary Baptist Church recorded in Volume 141, Page 118, Deed Records of Williamson Co., and from which an iron rod found bears N 11° 28' 19" E a distance of 129.56 feet;

and from which an iron rod found bears N 11° 28' 19" E a distance of 129.56 feet;

THENCE N 11° 28' 19" E a distance of 512.88 feet to an iron rod found at the northeast corner of said church tract, from which an iron rod found bears N 82° 30' 31" W a distance of 2.30 feet;

THENCE N 82° 30' 31" W a distance of 231.01 feet with the north line of said church tract to an iron rod found in the east line of Chisholm Trail;

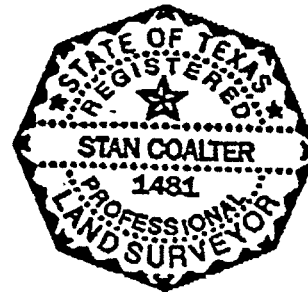
THENCE N 11° 53' 55" E a distance of 835.14 feet with the east line of Chisholm Trail to an iron rod found;

THENCE N 15° 39' 46" E a distance of 172.29 feet with the east line of Chisholm Trail to the Place of Beginning, containing 11.7592 acres of land, subject to easements, conditions or restrictions of record, if any.

COALTER & ASSOCIATES, SURVEYORS

Stan Coalter

Stan Coalter, RPLS, LSLs
10-25-94



OCT 26 '94 10:24

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PAGE.001

EXHIBIT "B"
TO THE AGREEMENT
REGARDING DEVELOPMENT PLAN
FOR PUD NO. 18

STATE OF TEXAS
COUNTY OF WILLIAMSON

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LIENHOLDERS' CONSENT

Know all men by these presents that the Old Settlers Association of Williamson County, being the holder of a Deed of Trust on the lands described in Exhibit "A" of the Agreement Regarding Development Plan for PUD No. 18, which Deed of Trust is recorded in Volume 442, page 449 and part of that certain tract of land described in Volume 258, page 276 of the Official Records of Williamson County, do hereby consent to the said Agreement, and the recording of this Agreement in the Official Records of Williamson County.

Witness my hand this 21st day of November, 1994.

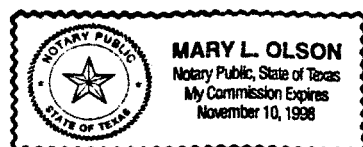
OLD SETTLERS ASSOCIATION OF
WILLIAMSON COUNTY

By: John E. Moore
John E. Moore, President

STATE OF TEXAS
COUNTY OF WILLIAMSON

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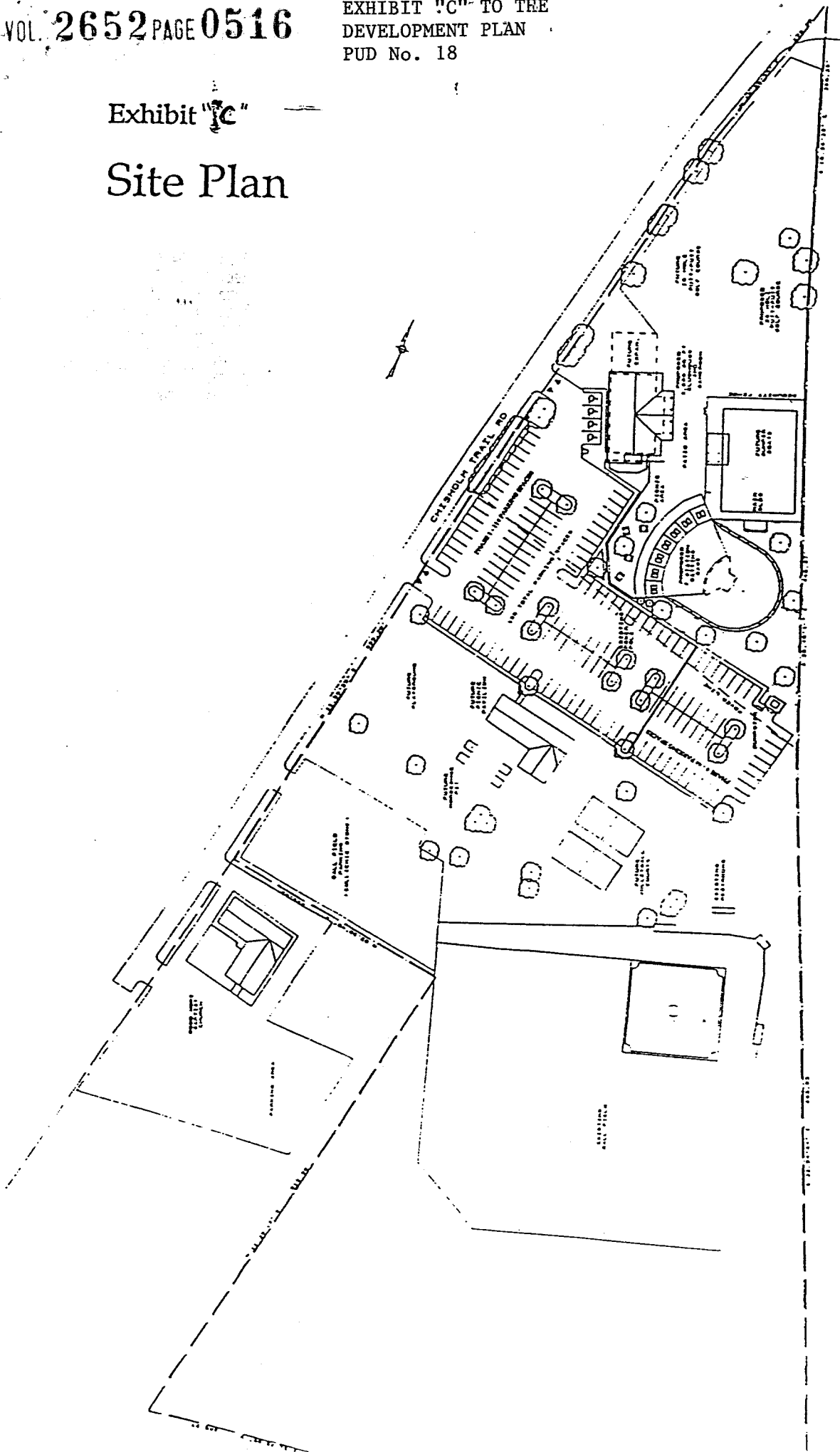
This instrument was acknowledged before me on the 21st day of November, 1994, by John E. Moore, President of the Old Settlers Association of Williamson County on behalf of said association.



Mary L. Olson
Notary Public, State of Texas
Printed Name: _____
My Commission Expires: _____

Exhibit "C"

Site Plan



Doc# : 9460219
Rec. \$ 45.00
Date : 12-19-1994
Time : 02:58:38 P.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
ELAINE BIZZELL
COUNTY CLERK

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

This is to certify that this document was FILED and
RECORDED in the Official Public Records of
Williamson County, Texas on the date and time
stamped thereon.



Elaine Bizzell
COUNTY CLERK
WILLIAMSON COUNTY, TEXAS